

Notice of Allowability

Application No.

09/666,398

Examiner

Donald L. Storm

Applicant(s)

KAUFHOLZ, PAUL A. P.

Art Unit

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to AMENDMENT filed September 13, 2004 and November 25, 2005.
2. ☒ The allowed claim(s) is/are 1-4 and 6-11.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Donald L. Storm
Examiner
AU 2654

DETAILED ACTION

Allowable Subject Matter

1. Claims 1-4 and 6-11 are allowed. The claims have been renumbered for printing to be claims 1-4 and 5-10.

Response to Arguments

2. The prior Office action, mailed June 8, 2004, objects to the claims, and rejects claims under 35 USC § 103, citing Linder alone and with others. The Applicant's arguments and changes in AMENDMENT, filed November 25, 2005 with filing receipt dated September 13, 2004 and Certificate of Mailing of September 8, 2204, have been fully considered with the following results.

3. With respect to objection to those claims needing clarification, the changes entered by amendment provide clear descriptions of the claimed subject matter. Accordingly, the objection is removed.

4. With respect to rejection of claims 1 and 7, and by dependency claims 2, 3, 4, 6, and 8-10, under 35 USC §103, citing Linder alone and in combination, the changes entered by amendment include substantially sequential cancellation of at least two audio source signals from a received audio signal.

The Examiner agrees with the Applicant's assertions with respect to the references. The reference Linder does not explicitly describe that limitation. The whole structure and interaction expressed by the combination of all limitations is not described or made obvious compared to the prior art of record for the whole invention of the claims, particularly with the two audio source signals received by respective audio inputs and canceling leaves primarily speech. Accordingly, the rejections are removed.

5. With respect to rejection of claim 11, under 35 USC §103, citing Linder alone, among the changes entered by amendment are the audio signal including an indication of a highest signal source of speech and noise received by an audio input.

The Examiner agrees with the Applicant's assertions with respect to the references. The reference Linder does not explicitly describe that limitation. The whole structure and interaction expressed by the combination of all limitations is not described or made obvious compared to the prior art of record for the whole invention of the claims, particularly with the two audio source signals received by respective audio inputs and canceling signals from the received audio. Accordingly, the rejections are removed.

Conclusion

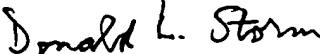
6. The following references here made of record are considered pertinent to applicant's disclosure:

Bourdelaïs [US Patent 6,058,075] describes successive cancellation of the strongest interfering signals received by the hydrophones of a sonar array.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald L. Storm, of Art Unit 2654, whose telephone number is (571) 272-7614. The examiner can normally be reached on weekdays between 7:00 AM and 3:30 PM Eastern Time. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571) 272-7602.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Inquiries regarding the status of submissions relating to an application or questions on the Private PAIR system should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 571-272-4100 between the hours of 6 a.m. and midnight Monday through Friday EST, or by e-mail at: ebc@uspto.gov. For general information about the PAIR system, see <http://pair-direct.uspto.gov>.

January 26, 2006


Donald L. Storm
Examiner, Art Unit 2654